

### REMARKS

The owner of the present patent application has appointed the undersigned as its representative on the present patent application. Accordingly, the undersigned is filing the present response by acting in a representative capacity. *See* 37 C.F.R. 1.34. A formal power of attorney will be submitted later.

Claims 17-38 are pending. Applicant respectfully submits that the current rejection lacks merit and requests favorable reconsideration and a notice of allowance.

#### **Rejection under section 102**

Claims 17-20, 26-31 and 37-38 are rejected under 35 U.S.C. 102(b) as being unpatentable over U.S. 3,719,775 (Takashi). Claims 21-25 and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takashi in view of U.S. 6,934,420 (Hsu).

Applicant respectfully traverse these rejections. Independent claim 17 is directed to a method for determining imaging characteristics of an object and recites, in part, the following:

determining ... an object scattering property for the specific location by reading the first and second information in the record associated with the specific location.

Independent claim 28 is directed to a system that, in part, comprises an image-processing unit that determines an object scattering property for the specific location by reading the first and second information in the record associated with the specific location. Takashi does not teach determination of an object scattering property for the specific location. As such, this feature is not taught or even suggested by Takashi.

Takashi describes an image pickup system that uses linearly radiated laser light. *See* Takashi title and abstract. The Examiner cited to Takashi column 2, lines 45-62, and column 6, lines 65-70 as allegedly teaching the above feature of determining an object scattering property for the specific location. *See* Office action p. 4.

Applicant respectfully disagrees. In the first passage, Takashi describes “obtaining a two-dimensional image ... [and] information relating to the three-dimensional condition of said foreground object,” but does not teach determination of an object scattering property for the specific location. Takashi 2:57-60. Similarly, in the second passage Takashi describes “allowing even small undulations on the ground surface to be exhibited in distinct contrast,” but does not teach determination of an object scattering property for the specific location. Takashi 6:66-67. Takashi simply does not disclose or suggest the feature of determining an object scattering property for the specific location.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, (Fed. Cir. 1987), *cert. denied*, 484 U.S. 827 (1987). To establish inherency, the extrinsic evidence “must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.” *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1268 (Fed.Cir.1991).

In short, Takashi does not expressly describe determination of an object scattering property for the specific location. Takashi also does not inherently describe this feature, because an object scattering property is not “necessarily” determined when obtaining a two-dimensional image or information relating to a three-dimensional condition.

It therefore cannot be said that Takashi anticipates the present claims or renders them unpatentable. Regarding the claims where the Examiner relied on Hsu, Applicant is not conceding that the Examiner’s characterization is correct. However, Hsu does not provide the subject matter missing from Takashi as discussed above, and the Examiner did not assert so either.

### **Conclusion**

The new claims 17-38 are patentable over the references of record, and Applicant requests reconsideration on form of a notice of allowance.

Applicant : Astrom, et al.  
Serial No. : 10/774,948  
Filed : February 10, 2004  
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Attorney's Docket No.: 26074-  
0002US1 / PL70020US00

Please apply \$130.00 in payment of the one-month extension of time fee and any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: July 30, 2010 \_\_\_\_\_

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